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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL BANTLIN, WOLFGANG DOLZ,
ROLF SPILGER, and CHRISTIAN THOMAS

Appeal 2008-0193
Application 10/766,275
Technology Center 3600

Decided: June 26, 2008

Before WILLIAM F. PATE, III, JENNIFER D. BAHR, and
BIBHU R. MOHANTY, *Administrative Patent Judges*.

BAHR, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Michael Bantlin et al. (Appellants) appeal under 35 U.S.C. § 134 from the Examiner's decision rejecting claims 1-8, 10, and 11, which are all of the pending claims. We have jurisdiction over this appeal under 35 U.S.C. § 6 (2002).

The Invention

Appellants' claimed invention is directed to a feeder device of a printing material processing machine having a main pile drive and a main pile controller, as well as an additional drive for moving an auxiliary pile including an auxiliary pile controller, and a method for synchronizing the motion sequences of the main pile and the auxiliary pile (Specification 1, ¶ 2).

Claim 1, reproduced below, is illustrative of Appellants' claimed invention.

1. A method for synchronizing the motion sequences of at least one main pile and at least one auxiliary pile in a feeder or delivery device of a printing material processing machine, the method comprising:

moving the main pile using a drive and a main pile controller associated with the drive;

moving the auxiliary pile using an additional drive and an auxiliary pile controller associated with the additional drive; and

receiving a start signal at the auxiliary pile controller to move the auxiliary pile, the start signal being received from the main pile controller or from a further, higher-level machine controller, the start signal simultaneously initiating a movement of the main pile.

The Rejection

Appellants seek review of the Examiner's rejection of claims 1-8, 10, and 11 under 35 U.S.C. § 102(b) as anticipated by Leichnitz (US 6,142,463, issued November 7, 2000).

The Examiner provides reasoning in support of the rejection in the Answer, mailed May 1, 2006. Appellants present opposing arguments in the Appeal Brief (hereinafter “Appeal Br.”), filed February 21, 2006.

THE ISSUE

Appellants argue that “Leichnitz does not disclose a start signal simultaneously initiating movement of the main pile and the auxiliary pile as claimed, but rather discloses a control signal *that intentionally has a time lag in switching drive units 12 and 13 on*” (Appeal Br. 4-5). (Emphasis original.) We understand this argument to be directed to the limitation in claims 1 and 11 that the start signal be received at the auxiliary pile controller to move the auxiliary pile, “the start signal simultaneously initiating a movement of the main pile.” Accordingly, the issue before us is whether Leichnitz teaches this feature.

FINDINGS OF FACT

Appellants’ Invention:

Appellants’ Specification teaches the following:

Advantageously, both the main pile controller and the auxiliary pile controller simultaneously receive signals for moving the main and auxiliary piles. In this context, the start signal can be generated by the main pile controller or the higher-level machine control. It is also crucial that the main and auxiliary piles begin to move at the same time in response to the simultaneously transmitted start signal, i.e., that the control devices have equal dead times or response times.

Specification 3, ¶ 8.

In a further embodiment of the present invention, it is proposed to compensate for delays occurring during signal transmission via the communication device. If the signal propagation time over the communication device is not negligible, it can be accounted for by measuring the signal propagation time or further delays, and by taking the measured time into account in the control; i.e., the initiation of movement of the main pile is delayed by this measured time because it is known that the start signal only arrives at the auxiliary pile controller with a delay equal to this time. This offers that advantage that simultaneous starting of the main and auxiliary piles is ensured even if the communication device is relatively slow.

Specification 5, ¶ 14.

To ensure this synchronicity, a start signal is transmitted from main pile controller 12 to auxiliary pile controller 13 via communication device 8, the start signal at the same time being the start signal at main pile controller 12. This start signal initiates the movement of main pile motor 7 and auxiliary pile motor 11 simultaneously. In this context, communication device 8 is so fast that the start signal from main pile controller 12 is also present at auxiliary pile controller 13 nearly simultaneously. Therefore, communication device 8 is a correspondingly fast data bus. When using a relatively slow bus, i.e., transmission time > 3 ms, the transmission time must be taken into account accordingly so that the response of main pile motor 7 is delayed by the transmission time, in which case main and auxiliary pile motors 7, 11 also start simultaneously.

Specification 8, ¶ 23.

Leichnitz:

Leichnitz teaches that it is possible that the switching commands for the main pile motor and the auxiliary pile motor may not be transmitted at the same time to their corresponding drive units. Consequently, the operation of the motors will not take place “synchronously.” Such time delays or lags, however, will not have adverse effects, as long as they are within predefined tolerances. Leichnitz, col. 3, ll. 10-19, col. 6, ll. 1-4. Figure 2 of Leichnitz, which illustrates the switch-on signals for the main drive control unit 12 and the auxiliary drive control unit 13, respectively, shows a time lag for the signal for auxiliary drive control unit 13 relative to the signal for the main drive control unit 12. Leichnitz, col. 5, ll. 10-27. The signals for an asynchronous operation mode are illustrated in Figure 3 of Leibnitz.

Leibnitz does not teach compensating for the described time lags.

PRINCIPLES OF LAW

In interpreting claim language, we apply the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description. *See In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997). *See also In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004).

To establish anticipation, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the

claim. *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383 (Fed. Cir. 2001).

DISCUSSION

We begin our analysis with claim construction. We focus our attention on the limitation of claims 1 and 11 that Appellants contend is not met by Leichnetz. We, like Appellants, construe this limitation as requiring that the start signal simultaneously initiate movement of the main pile and the auxiliary pile. The issue of whether this limitation is met by Leichnetz turns specifically on the construction of the term “simultaneously.” This term is ordinarily understood to mean “occurring, done, existing, etc. together or at the same time.” *Webster’s New World Dictionary* 1328 (David B. Guralnik ed., 2nd Coll. Ed., Simon & Schuster, Inc. 1984). Our findings, *supra*, with regard to Appellants’ Specification, support construction of the claim term “simultaneously” as requiring that the start signal initiate movement of the main pile and the auxiliary pile at the same time. In particular, Appellants’ Specification (¶ 23) distinguishes between “simultaneously” and “nearly simultaneously,” the latter terminology allowing for a short lag time in the start of the auxiliary pile motor relative to the main pile motor. We thus construe the term “simultaneously” in claims 1 and 11 as requiring that the start signal initiate movement of the main pile and the auxiliary pile at the same time, without any delay or lag whatsoever, as is the case in the embodiment of Appellants’ invention accounting for measured propagation times or further delays (Specification 5, ¶ 14 and Specification 8, ¶ 23).

As discussed in our findings, *supra*, Lechnitz specifically describes delays, or lag times, in the start of the auxiliary pile motor 13 relative to the start of the main pile motor 12. Further, Lechnitz considers delays or time lags within predefined tolerances¹ to be acceptable and makes no attempt to measure or compensate for them.

The Examiner's contention that Lechnitz's use of the term "synchronous" implies "simultaneous" initiation of the main pile motor and the auxiliary pile motor simply (Answer 7) ignores the clear teachings by Lechnitz of time lags or delays. The Examiner proffers a definition of "synchronous" (*Webster's New International Dictionary* 2558 (2nd ed. 1939)) as "1. Happening, existing, or coming into existence, etc. at the same time; concurrent in time; contemporaneous; simultaneous; as, *synchronous* events, geological deposits, or storms, in various parts of the country." (Emphasis added). See Webster's New International Dictionary, Second Edition Unabridged (1939) at page 2558" (Answer 7). The Examiner, however, overlooks the broader definition of "synchronous," namely, "2. Of successive movements, sounds, operations, etc., from two or more things marked by exact coincidence in time, rhythm, rate, or the like; as, the *synchronous* beating of drums" (italics in original) presented by the same source. See *Webster's International Dictionary* 2558 (2nd ed. 1939), copy appended to Office Communication mailed September 28, 2007. While Lechnitz does use the term "synchronous," Lechnitz clearly describes delays or time lags in discussing the synchronous mode of operation of the controllers and makes no attempt to compensate for such delays or time lags

¹ Lechnitz does not specify limits for such predefined tolerances.

to ensure that the main pile motor and auxiliary pile motor are started “simultaneously,” as called for in claims 1 and 11.

For the above reasons, we conclude that Leichnitz does not teach the feature in claims 1 and 11 of the start signal being received at the auxiliary pile controller to move the auxiliary pile, “the start signal simultaneously initiating a movement of the main pile,” and thus does not anticipate the subject matter of claims 1 and 11. The rejection of claims 1 and 11, and claims 2-8 and 10 depending from one of claims 1 and 11, cannot be sustained.

DECISION

The decision of the Examiner to reject claims 1-8, 10, and 11 is reversed.

REVERSED

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DAVIDSON, DAVIDSON & KAPPEL, LLC
485 7TH AVENUE
14TH FLOOR
NEW YORK, NY 10018